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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/022,303	GARRETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin S Wood	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Applicant's Amendment filed on 5/5/04.
2. ☒ The allowed claim(s) is/are 14,16-37,40 and 41.
3. ☒ The drawings filed on 14 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

*Akmal*  
 AKM ENAYET ULLAH  
 PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to the Applicant's Amendment filed on 5 May 2004. Claims 1-13, 15, and 38-39 are cancelled. Claims 14, 16, 20, 25-27, 35, and 40 are amended. Claims 14, 16-37, and 40-41 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments, filed 5/5/04, with respect to claims 14, 16-37 and 40-41 have been fully considered and are persuasive. The rejections/objections of claims 14, 16-37 and 40-41 have been withdrawn.

The applicant's primary argument is that all of the remaining claims are now allowable, because all of the remaining claims either contain subject matter that was determined to be allowable in the previous office action or depend from claims that contain allowable subject matter. The examiner agrees with these arguments and now believes claims 14, 16-37 and 40-41 to be allowable over the prior art.

### ***Allowable Subject Matter***

3. Claims 14, 16-37 and 40-41 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Referring to claims 14, 16-19, 28-37, and 40-41, the primary reason for the allowability of these claims is the inclusion of the modulation assembly being adapted to

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cause the first and second sets of optical beams to impinge onto the array of optical power sensors in a time-division-multiplexed sequence.

Referring to claims 20-24, the primary reason for the allowability of these claims is the inclusion of the modulation assembly being adapted to cause the first and second sets of optical beams to carry distinct dither modulation signals upon impinging onto the array of optical power signals.

Referring to claim 25, the primary reason for the allowability of this claim is the inclusion of the modulation assembly comprises a beam-chopper.

Referring to claim 26, the primary reason for the allowability of this claim is the inclusion of the modulation assembly being in optical communication with the polarization-separating element along with the polarization-rotating element and the wavelength-disperser, thereby controlling the first and second polarization components.

Referring to claim 27, the primary reason for the allowability of this claim is the inclusion of the modulation assembly being in optical communication with the wavelength-disperser and the array of optical power sensors, so as to control the first and second sets of optical beams.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KSW